

Arlington Conservation Commission
Minutes
September 1, 2016

Mr. Stevens called the meeting to order at 7:30 p.m. in the Main room, of the Central School (Senior Center), 27 Maple Street, Arlington. Present were Chair Nathaniel Stevens, David White, Mike Nonni, Charles Tirone, Curt Connors, Janine White, and Susan Chapnick. Associate members Eileen Coleman and Catherine Garnett were not present. Also present were Nick Greenhalgh, Elizabeth Pyle, Karen Grossman, Colin Blain, John and Patricia Worden, Bill Kaplan, Deb Gowan, Ann Abbott, Aida Khan, Daniel Klebanov, Jane Howard, Robert Noyes, Pasi Miettinen, Lauren Kopans, Jennifer Roderick, Edward Boucher, Henry Boucher, Tim Shannon, Brad Barber, David Barlow, Sharon Green, Aimee D'Onofrio, Ben Ferber, Dan Chadwick, Julie McBride, Downing Cless, Alice Trexler, Alex Bilsky, Bill Hayner, David Desjardins, Cathie Desjardins, Dori Mazor, Fiona Howard, Deb O'Donnell, Lally Stowell, Monika Musial-Siwek, Peter Musial.

7:30pm – Commission Business:

Mr. White reported that the DPW will monitor the contract for the **McClennan Park** stormwater basin project.

Mr. White reported on the **Reservoir Art Show** that will take place in September in the Town Hall, second floor.

The Commission received Mass Audubon's letter to the Arlington Land Trust saying it had monitored the Conservation Restriction on Elizabeth Island and all was in compliance. The Commission decided that it would not conduct its own monitoring and instead rely on Mass Audubon's report.

The Commission directed Ms. Beckwith to send out a schedule to organize/coordinate participation in **Town Day** on 9/17. Ms. Chapnick volunteered to organize materials for the event.

7:45pm – **Notice of Intent** – 47 Spy Pond Lane, Lots A and B

Ms. Trudeau did not present new plans for the two lots; however, she did provide an engineer's sketch of the revised drainage system for Lot A. She began with a discussion of the two proposed lots, asking if the Commission thought it would be helpful if the applicant filed a RDA for each lot and put the Notice of Intent on hold. Mr. Boucher recounted that in the 1940s his father built the house and had a barn in the 50's. He doesn't recall if it was ever recorded as one or two lots. After discussion, the Commission decided it would not be helpful to file RDAs.

Ms. Trudeau reported that they would submit a narrative about alternatives for the next meeting.

Mr. White checked on the Town's GIS map online and found that the lot is currently

mapped as one lot.

Ms. Trudeau confirmed with the Commission the list of items that the Commission requested and that will be submitted for the next meeting:

- 1) % impervious areas within 100 feet for each lot
- 2) alternative analyses for footprints
- 3) proximity of infiltration unit to sewer easement to Town Engineer
- 4) grading near infiltration unit
- 5) test pit locations and percolation rates
- 6) Move all work out of the 50 foot area
- 7) mark the plan with a limit of work line at the 50 foot
- 8) provide narrative describing how the impacts to the Buffer Zone are being mitigated for each lot
- 9) provide an architectural elevation of the houses from Spy Pond
- 10) Include all abutting vegetation on the surveyed plot plan in Resource Areas

Ms. White asked about the newly designed infiltration unit on Lot A, and asked if the unit can be constructed underneath the retaining wall. She asked whether the unit and the soils take the loading of the wall. Will the wall have weep holes? She asked the applicant to provide the elevations of the bottom of the wall and the elevation of the infiltration unit.

Ms. Trudeau reported that she thinks the wall will be constructed of block units sitting on the surface of the soil with no footings. Mr. Tirone asked if it is required to have any railing or fence at the top of the wall. He asked the applicant to provide a detail and cross-section of the retaining wall.

Attorney Pyle introduced herself to the Commission and audience, and summarized the points in her 10 page letter saying the Commission should disapprove the projects. . She outlined that the Wetlands Protection Act has a different set of requirements than the local Bylaw and Regulations and the hardships characterized by the applicant are solely brought upon themselves in the creation of two lots out of the single lot. A single new larger house could be completely built outside of the Buffer Zone and Adjacent Upland Resource Area to Spy Pond.

The 25 foot no build zone and the 75 foot restricted zone is the area where reasonable alternatives must be pursued. The rebuild could be completely beyond the 100 foot limit, and the Commission should use caution in allowing structures within the 100 foot buffer zone. She concluded that not all lots are buildable in resource areas.

The 50 foot zone is presumed to be significant to wildlife.

Ms. Grossman of the Friends of Spy Pond Park spoke of the erosion concerns all around Spy Pond. The Town is engaged in a Community Preservation Act project to study ways to correct these problems. She feels that this project impinges on the stormwater infiltration capacity of the near shore area and creates a dangerous

precedent for development pressure. Street runoff is clearly a problem for the pond. The Mystic River Watershed Association is studying the impact of runoff on the waterbody and potential of it as a flood storage area. The adjacent lands need to be preserved for their viability to protect the pond health.

Ms. Khan, 19 Sheraton Park, is concerned that the increased impervious surfaces will increase runoff to the pond. She stated that even if the applicant can legally comply with the rules, the morality of this decision is important too, to protect Spy Pond and its threatened water quality which is under stress. The Pond has needed expensive chemical treatments to control weeds, and the protection of its wildlife, but not a project like this. She just can't see the logic of it. The economics of the development are not a priority for the Commission and protection of nature and the environment is.

Ms. Musial-Siwek, 15 Princeton Rd, commented that the loss of wildlife and the loss of open space was a loss for Spy Pond. These small incremental developments add up to substantial impacts. She stated that we need to morally stand up to it and need to change our ways.

Mr. Klebanov, 5 Garrison Rd, submitted a petition of 460 signatures in support of turning down the proposal. He also presented a comment from his spouse, which included pictures of wildlife at the pond in the area of proposed project. He had a question on the Operation and Maintenance (O&M) plan and the infiltration system, asking who is going to maintain it, the future homeowner? He was concerned that the O&M would not be carried out.

Mr. Worden commented that Arlington had an organization called the Conservation Association back in the 1960s. They set out to protect Spy Pond then. Now, we have the power to do this, to protect the 100 foot area and keep it free for habitat and stormwater.

He stated that the idea that the descendants of the homeowner have a right to "cash out" the property value here, is the wrong attitude, and we have a shared responsibility to protect this area and keep it in its natural state.

Mr. Miettinen, 23 Sheraton Park, commented that just about every waterfront house on the Pond is within 100 feet of the shoreline. This process is delaying the owner's transaction and the morality of principles of that action should also be considered. He stated that his project should be allowed through a variance if it is "environmentally friendly" construction

Mr. Ferber, 11 Princeton Rd, commented that he has observed lots of wildlife on this property, which is photographed and described in his written comment letter. The houses also prevent wildlife access to the water, as shown in a photo of a swan up on the road. The existing closer houses in the neighborhood on Spy Pond shoreline predate the Wetlands Protection Act and the local Bylaw for Wetlands Protection. Now we have the strength to protect this area. He maintained that the house is on one lot, they paid taxes on one lot. He stated that the applicant's proposal is responsible for the

stormwater infiltration system, but was concerned that it would not be maintained. This is an expense going forward and the level of diligence in complying is not guaranteed.

Attorney Pyle commented that it was inspiring to hear the moral concept spoken. In addition, the laws exist to protect this land, the burden of proof is upon the applicant to show otherwise. Documented evidence shows the habitat value of this property and the breeding activities there. She stated that the local Bylaw regulations specifically describe the prohibition of impacts to land that are breeding areas for wildlife.

Ms. Khan commented that the public good versus the moral impact to this one family is important and hoped the Commission would view the larger imperative.

Ms. Musial-Siwiek commented that she also observed eggshells and turtle nests up above the property, right next to the street. She feels impelled to speak for the wildlife because they cannot speak for themselves.

Ms. White asked for the applicant to provide the Pond's water surface elevation at the time of the survey.

Mr. Ferber commented that numerous trees along the lot lines are not shown on the plans and wonders if they will be impacted with the proposed construction activities. Two mulberry trees are just on his side of the property line.

Mr. Shannon commented that the proposed stormwater treatment will be cleaner than the natural runoff off the current property.

Mr. Boucher stated the property currently has no drainage systems in place, so all stormwater drains into Spy Pond

Ms. Grossman countered that the development plan will not be cleaner than natural runoff.

DWhite/Connors motioned to continue the hearing to 9/15 at 8:30pm, with the applicant's consent; motion passed unanimously.

Commission business (cont.)-

The Commission discussed the drafting of **public education materials** (for the web and in the office and Town Day). The three items are: Homepage and FAQ's on the webpage, Certificates of Compliance, and Meeting Guidelines. Another item to add is the Tree Policy. Mr. Stevens will revise these documents for review at the next meeting, 9/15/16, if time allows.

Ms. Beckwith announced her involvement with the **Alewife Flood Resiliency** group. Ms. White also expressed interest. Ms. Beckwith will scan and forward the materials she has to the Commission.

The **Upper Mystic** weed treatment is to be conducted on 8/31. Ms. Chapnick asked if the entire list in the permit was notified. Ms. Beckwith will forward Ms. Chapnick's request to the applicant.

Meeting adjourned at 9:45pm.

Respectfully submitted,
Corinna Beckwith